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C O N F I D E N T I A L SECTION 01 OF 03 LUSAKA 000694

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TATE FOR AF/S AND L, LONDON FOR PETER LORD

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TAGS: PREL PGOV KCOR

SUBJECT: GRZ DRAWS A LINE UNDER ROW WITH DIPLOATS... IN
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REF: A. LUSAKA 620
B LUSAKA 654
1C. LUSAKA 588
1D. LUSAKA 84
1E. LUSAKA 689
1F. LUSAKA 552

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Classified By: Charge d'Affaires Michael Koplovsky for reasons 1.4 (b,d)
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11. (C) SUMMARY AND ACTION REQUEST: Zambian Foreign Minister Kabinga Pande told Charge October 7 that the media tempest surrounding diplomats and their roles and responsibilities (ref D) was sparked by some (unnamed) diplomats speaking out against the Government of Zambia (GRZ) rather than using private channels. Nevertheless, he felt it was incumbent upon him to curtail this inflammatory media battle by reigning in his fellow ministers and by discussing with diplomats the preferred way of conveying concerns. Charge outlined firmly the U.S. expectation that diplomats would meet with government, opposition, businesses, civil society, religious leaders and anyone else to learn about Zambia and to convey our views on issues. Furthermore, he reassured Pande that Washington not only supported this view but expected its diplomats to use public diplomacy to speak on issues of national interest. Meanwhile, British High Commissioner Tom Carter met with Dr. Richard Chembe, President Banda's economic advisor, to convey the UK view of Article 41 of the Vienna Convention on Diplomatic Relations, to reassure the GRZ of the UK's interest in continuing good relations, and to underscore continuing UK interest in the Zambian and UK corruption cases against former President Chiluba and his request for restoration of immunity. President Banda subsequently called Carter and expressed appreciation for the UK's continued partnership. The EU Heads of Mission decided October 5 not to make a public statement regarding recent accusations against them but instead to convey concerns privately to FM Pande and Vice President Kunda. They have failed, thus far, to get a meeting with Pande or President Kunda. Embassy requests the Department underscore to Zambian Ambassador to the United States Lewanika our policy on the roles and responsibilities of U.S. diplomats. End Summary.

Pande -- The Unreformable Cultural Relativist

12. (C) After countless calls to the MFA and finally a direct call to MFA Permanent Secretary Tens Kapoma explaining that the Embassy was attempting to convey its messages in private diplomatic channels per the GRZ's repeated requests, FM Pande agreed to meet with Charge October 7. Charge conveyed the USG's firm view that the role of diplomats is to meet with a broad range of society, both in support of and in opposition

to the government, to learn about our host country and to convey U.S. views on issues both to these groups and to the media. Answering the question posed in the media by the Minister of Information, Charge assured Pande that Washington not only supported such activities but expected its diplomats to use public diplomacy to convey and advocate for U.S. views. Furthermore, the USG believed these activities to be in full conformity with Article 41 of the Vienna Convention and supported other countries' diplomats conducting these same activities while posted in the United States.

¶13. (C) Charge expressed profound concern about the tone of the now daily ministerial press statements against diplomats and the potential deleterious effect they could have on our bilateral relationship. He noted that, to date, no diplomats had rebutted the assertions, accusations, and even threats emanating from GRZ ministers but expected that foreign governments would only tolerate their images being tarnished for so long. He urged the GRZ use the same private diplomatic channels it has implored diplomats to use and to cease the accusations in the media.

¶14. (C) Reminiscent of previous conversations about freedom of speech (refs C and F), Pande listened impassively and then began his response by noting the importance of diplomats understanding the laws and culture of Zambia. He asserted that "some" (unnamed) diplomats were the first to violate the practice of not talking to the GRZ through the press and that Zambians who heard these "attacks" expected the GRZ to react. Pande noted such criticism was culturally inappropriate. He advised Charge to counsel other diplomats on the imprudence of criticizing the GRZ publicly. Nevertheless, he took Charge's points and agreed that the tenor of recent events had escalated to an unhelpful point. Pande took it upon himself to "calm things down" by curtailing inflammatory

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statements from other ministers. In addition, he intended to reschedule the abruptly postponed MFA meeting with diplomats to discuss the disagreement and assured Charge that it would be done behind closed doors. (Note: the venue for previous summons to diplomats for a meeting October 6 was the Mulungushi Conference Center, a location unnecessarily large and public for diplomatic heads of mission and, therefore, assuredly intended to be the site of a public thrashing attended by carnivorous journalists.)

¶15. (C) Pande noted, however, that Home Affairs Minister Mangani had information that diplomats were "inciting people." He claimed some were putting "cash on the bar" at filling stations so that civil society organizations (CSOs) could fill their vehicles to participate in the honking protests (ref E). Finally he noted that no one had accused U.S. diplomats of such nefarious activities, but that the Embassy's rushing in to "protest too much" might lead one to think otherwise. Charge assured Pande U.S. diplomats were guiltless of inappropriate behavior and would remain so. Finally he thanked Pande for his efforts to put relations with donors back on track so the real work of developing the country could be resumed.

UK Echoes Points to State House, Pande's Points Echo Back

¶16. (C) Charge met with British High Commissioner Tom Carter later October 7 and reported what had transpired in his meeting with Pande. Carter noted that he and DFID Head Mike Hammond had succeeded in meeting with President Banda's economic advisor Dr. Richard Chembe October 6. (Note: Carter said that some months ago Pande had notified EU heads of mission that he would not/not meet with them bilaterally because there were "too many of them," despite the fact that only eight EU countries are represented in Lusaka.) Carter echoed Charge's points to Chembe noting that UK diplomats would continue to meet with a wide range of society, that ensuring civil society voices were heard was a British value,

and that a large portion of UK bilateral assistance does and would continue to go to civil society for precisely that reason. Carter also expressed concern that the recent flap about diplomatic roles and responsibilities might overshadow HMG's continuing concern about the GRZ's unwillingness to appeal the Chiluba acquittal (ref X), the failure to register to the UK verdict in Zambian courts, and Chiluba's request to have his immunity restored.

¶17. (C) According to Carter, Chembe replied that Banda "was too human" and had "too big a heart" to put a former president in prison, effectively and astonishingly acknowledging State House intervention in Chiluba's acquittal and laying to rest any hope of an appeal. More optimistically, Chembe claimed that the UK verdict was in the process of being registered and that the Parliamentary Clerk had written to State House confirming that Parliament would not/not restore Chiluba's immunity while he remained under investigation for other charges. Chembe expressed appreciation for Carter's desire to keep Zambian-UK relations on track and optimism that a meeting between Carter and Banda could be arranged as soon as October 17.

¶18. (C) Later that day, President Banda called Carter and apparently exuded praise for HMG's outreach and its desire to maintain good relations. Carter noted Banda was surprisingly cheerful and affable. Nevertheless, Banda noted that when he was a diplomat, certain restrictions on what diplomats could say were observed. Carter repeated the UK's views on the rights and responsibilities of diplomats to conduct public diplomacy and support civil society. Banda reportedly responded, "I guess I have a different view on that." Carter also noted that the EU had yet to secure a meeting with either Pande or Vice President Kunda and, therefore, had not conveyed views on behalf of the grouping yet.

Comment - Nearly Indistinguishable Line Drawn in the Sand

¶19. (C) The Pande meeting was an important opportunity to warn the GRZ that continuing accusations against diplomats in the press would eventually necessitate a public response. Furthermore, we seized the moral high ground by conveying our views in private, as has been requested often of us, and forewarned MFA that we would continue to meet with a variety of interlocutors including civil society. However, the question of what is appropriately said in the press seemed largely ill defined by Pande. Pande repeatedly recalled MFA's earlier complaint about Emboff's remarks in the press that the pending NGO bill was unnecessary (ref C), citing it

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as an example of a diplomat "telling" the GRZ what to do. We suspect the GRZ will be tolerant of press statements, as long as nothing is said that irritates or criticizes the government, a blurry distinction could easily entrap us and other diplomats again, particularly given the biased and largely inaccurate press.

¶10. (C) Banda's call to Carter is slightly more encouraging. Clearly Banda is unhappy with the situation that evolved in his more than two-week absence and is eager to soothe tempers. Nevertheless, he too seems to agree with a very restrictive interpretation of Vienna Convention Article 41.

¶11. (C) Action Request: Now that Chembe has confirmed that the GRZ has crossed one of the redlines outlined by the Cooperating Partners Groups in ref A (refusing to appeal Chiluba's acquittal), we and other donors will have to decide what, if any, action to take. The CPG Troika, which includes the U.S. Embassy, hopes to meet with Chembe early next week. We would welcome Washington's guidance. In addition, Embassy recommends the Department call in Zambian Ambassador Lewanika and underscore the USG's interpretation of appropriate diplomatic activities under Article 41 of the Vienna Convention and repeat our request for an official

interpretation (ref D).
KOPLOVSKY